

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DON-LEE GRAYSON,

Plaintiff,

**9:16-cv-1118
(GLS/ATB)**

v.

C.O. COURTNEY et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

DON-LEE GRAYSON

Pro Se

14-A-3599

Washington Correctional Facility
Box 180
72 Lock 11 Lane
Comstock, NY 12821

FOR DEFENDANTS:

C.O. Jaquish

HON. ERIC T. SCHNEIDERMAN
New York State Attorney General
The Capitol
Albany, NY 12224

RACHEL M. KISH
Assistant Attorney General

C.O. Courtney

NO APPEARANCE

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Andrew T. Baxter, duly filed on August 22, 2017. (Dkt. No. 39.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Report-Recommendation and Order for clear error, it is hereby

ORDERED that the Report-Recommendation (Dkt. No. 39) is
ADOPTED in its entirety; and it is further
ORDERED that defendant C.O. Jaquish's motion to dismiss (Dkt. No. 35) is **GRANTED IN PART** and **DENIED IN PART** as follows:

GRANTED to the extent that any claim for damages against him in his official capacity is dismissed with prejudice; and

DENIED in all other respects without prejudice to the submission of a properly supported summary judgment motion; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

September 14, 2017
Albany, New York

Gary L. Sharpe
Gary L. Sharpe
U.S. District Judge